



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2004-00562-YN

Issue Date: February 28, 2005

Expiration Date: March 28, 2005

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: The Rigpa Center for Wisdom and Compassion, Inc.
251 New Karner Rd.
Albany, NY 12205

ACTIVITY: Discharge fill material into wetlands and other waters of the United States.

WATERWAY: Wetlands and unnamed tributaries in the Mohawk River basin.

LOCATION: Town of Berne, Albany County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with

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particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit. The applicant has completed a Phase I Archeological Investigation for 3 of the 358-acre project site, the results of which were submitted to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). In a letter dated July 22, 2003, the OPRHP indicated that there would be no impact to historic/cultural resources in the approximately 3 acres that were examined in the report.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Town of Berne

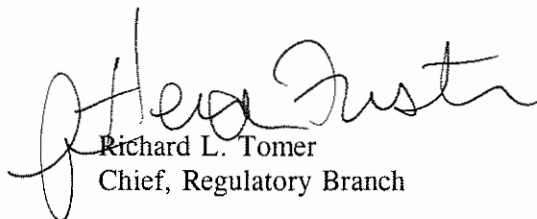
Albany County Department of Health

NYS Department of Health

NYS Department of Environmental Conservation - SPDES

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 270-0588 and ask for Heidi Firstencel.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, The Rigpa Center for Wisdom and Compassion, Inc., has requested Department of the Army authorization for the discharge of fill material into wetlands and unnamed tributaries to facilitate the development of a retreat center, to be known as the Center for Wisdom and Compassion. The site, which consists of approximately 358 acres, is located in the Town of Berne, Albany County, New York. Access to the site is provided by Game Farm Road from the south off County Route 1. The majority of the wetlands on the site are adjacent to or contiguous with unnamed tributaries to the Switz Kill, which is located off the subject site.

The Center would be built in two main phases (Phase I and Phase II) over a period of approximately 15 years. An initial preliminary phase would consist of renovations to existing buildings on the site, which historically functioned as a game farm. Phase I activities would include the following: construction of a wastewater treatment plant, installing a treatment system for well water, improvements along Game Farm Road, and the construction and renovation of new and existing buildings on the site. The improvements along Game Farm Road would include reconfiguring a road bend, relocating and regrading existing drainage channels, and possibly widening the road in some locations. Phase II would consist of completion of all the planned infrastructure, construction of a water reservoir, and additions to the wastewater treatment facility. New buildings proposed for the site include a Dining Hall, Residences (for transient occupancy), a Monastery, Administration Buildings, Site Operations Buildings and a Children's Center. Other facilities would include parking areas, meeting tents and camping areas. The water supply for the Center would initially be a groundwater supply from on-site wells, while Phase II would be supported by the surface water impoundment reservoir and treatment plant. The proposed reservoir would be supported by surface water runoff within the drainage basin, direct precipitation and the creation of a diversion channel to divert flows from an existing stream channel on the site. The projected annual runoff into the reservoir is estimated to range from approximately 19 to 28 million gallons per year for contributing portions of the site. The reservoir would be 18 feet deep and have a surface area of approximately 4.3 acres, yielding a volume of approximately 17.1 million gallons.

Direct impacts to waters of the United States that would occur as a result of the above mentioned activities would total 1.35 acres and 255 linear feet of stream channel. These impacts would result from the following activities:

- 1) Filling wetlands for roads/parking - 0.075 acres (40 linear feet of stream channel)
- 2) Filling wetlands for building construction - 0.079 acres
- 3) Sewer line installation - 0.005 acres temporary impact
- 4) Excavation of existing roadside swales to increase capacity - 0.201 acres (10 linear feet of stream channel)
- 5) Dewatering and excavation of open water areas within existing ponds - 0.731 acres

- 6) Filling open water areas within existing ponds for construction of reservoirs - 0.26 acres
(205 linear feet of stream channel)

In addition, as a result of the construction of the diversion channel, the applicant has indicated that indirect impacts to Wetland 3 and Stream 7 would also occur. These areas would be adversely affected both hydrologically and biologically in that a primary source of water for these two aquatic areas would be diverted into the reservoir. Wetland 3 and Stream 7 are located downstream of the proposed diversion channel. Wetland 3 is 0.668 acres in size, and is adjacent to the tributary referred to as Stream 7, which flows for approximately 1,000 feet downstream of the proposed point of diversion, before its confluence with another tributary on site.

The applicant is proposing a mitigation plan that would include construction of foot trails with ecological interpretive information provided at stops along the trails, construction of platforms to overlook a stream corridor, the establishment of 0.15 acres emergent wetlands along the proposed diversion channel, and the placement of deed restrictions on two isolated wetlands and a portion of the stream corridor.

The stated purpose of this project is to create the first Rigpa International Tibetan Buddhist retreat center in the United States so that program attendees would not need to travel abroad. Two other Rigpa retreat facilities exist in France and Ireland.

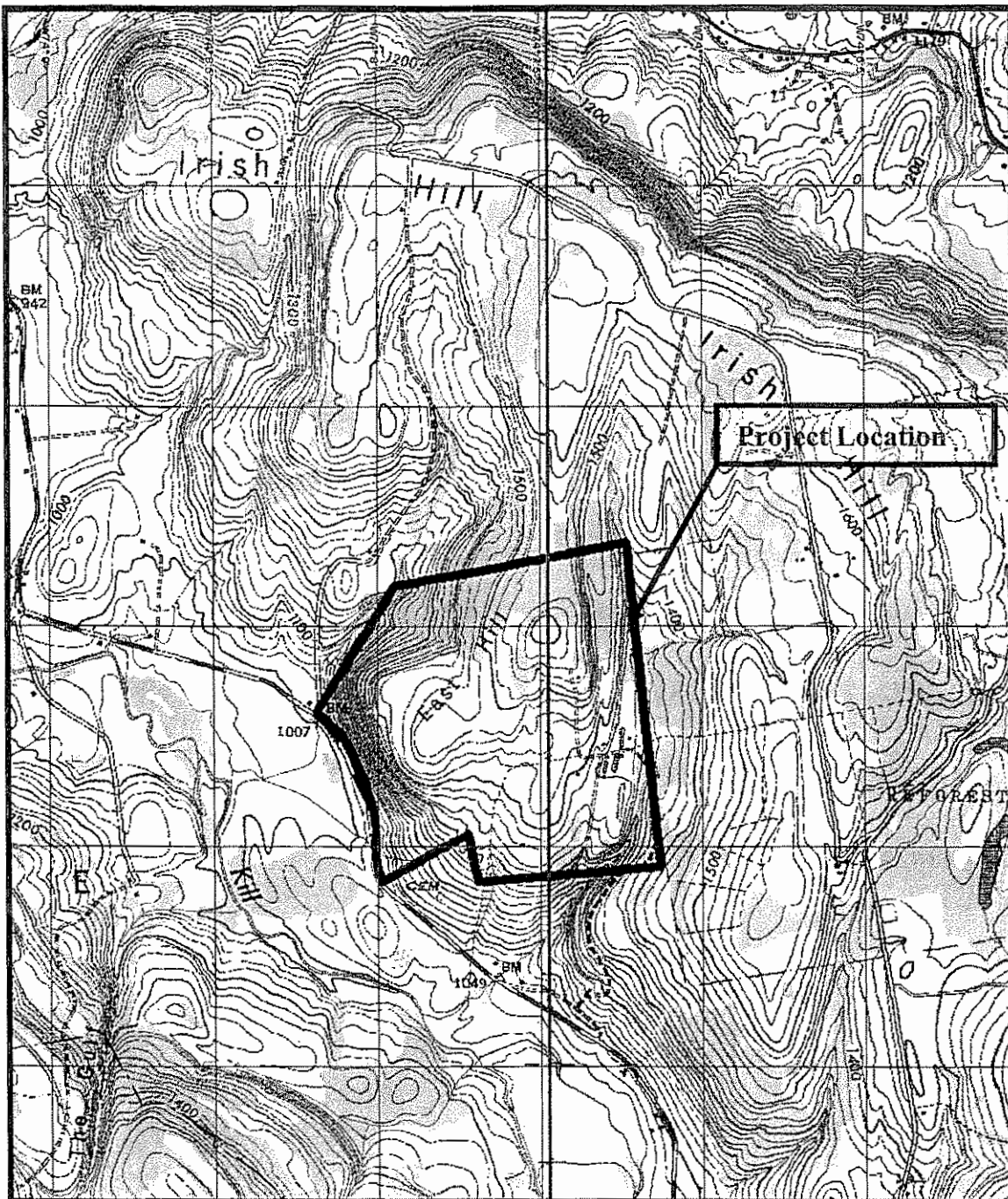
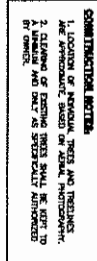


Figure 1: 1990 USGS
7.5" Westerlo and
Rensselaerville Quads

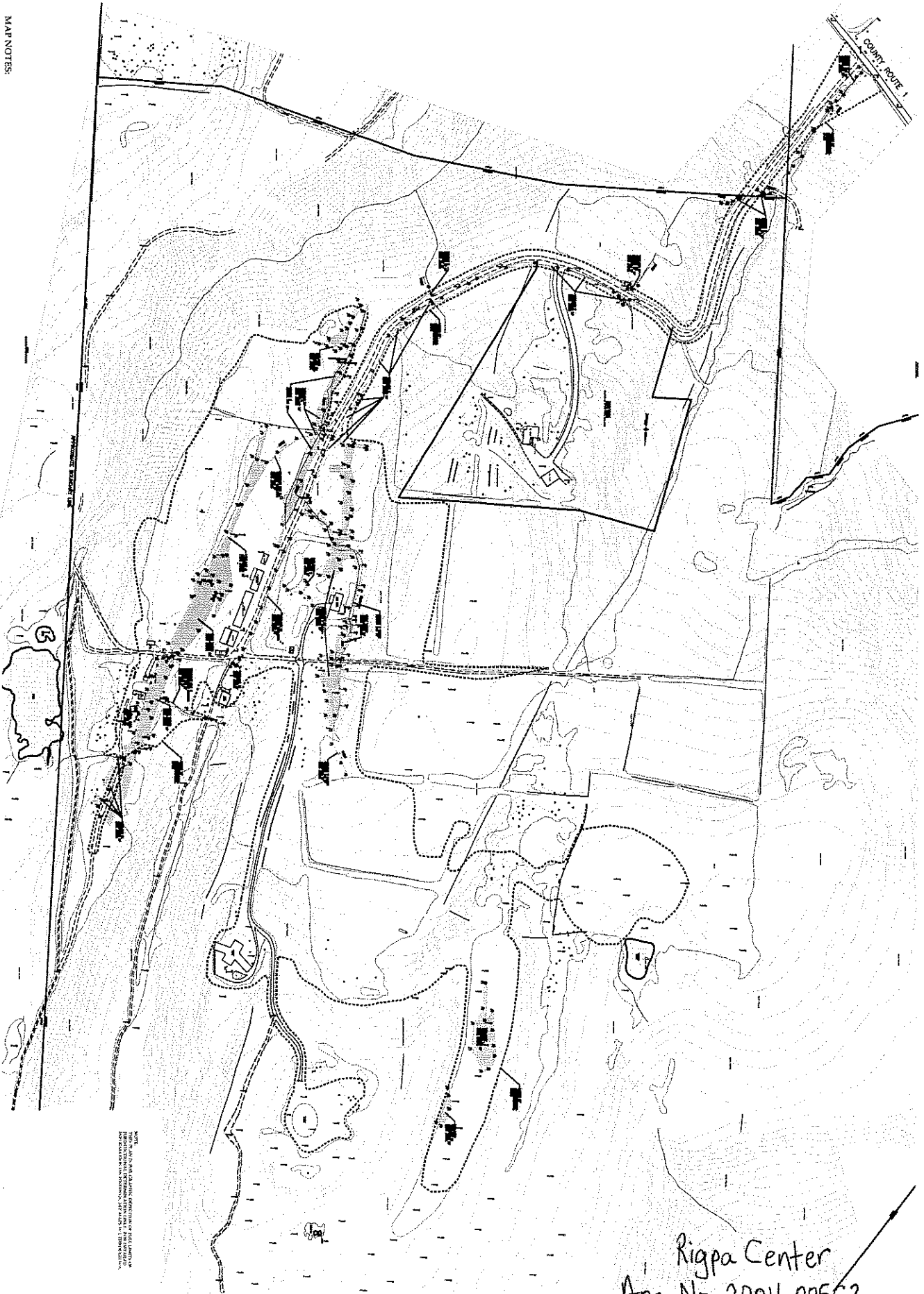




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1. **STUDY AREA AND STUDY DESIGN** The study area is the metropolitan area of the Los Angeles basin, the metropolitan area of the San Francisco Bay area, and the metropolitan area of the New York City area. The study design is a descriptive study of the metropolitan areas of the Los Angeles basin, the metropolitan area of the San Francisco Bay area, and the metropolitan area of the New York City area.



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LEGEND:

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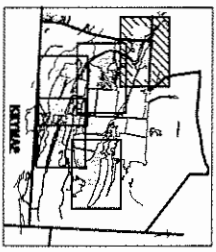
LIMIT OF JURISDICTION, DETERMINATION
(MAY = 1/3 ACRES)

PROPERTY LINE, L&E
(MAY = 20 ACRES)

WETLAND

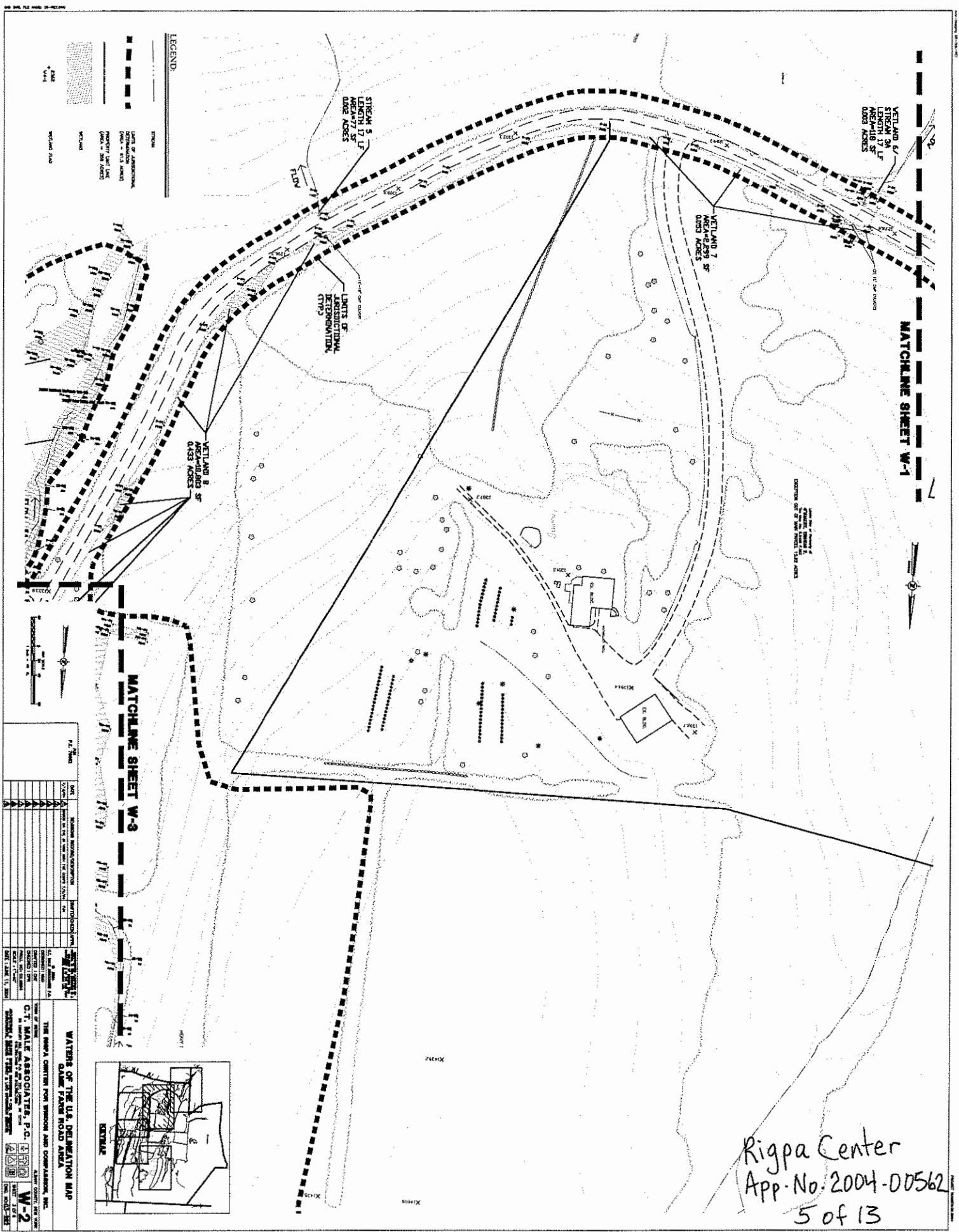
WETLAND DMC

MATCHLINE SHEET W-2



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STREAM 5
LENGTH 17 LF
AREA=77 SF
0.008 ACRES

LIMITS OF
NATIONAL
DETERMINATION
(TYPE)

HEAVY FLOOD

WETLAND 8
AREA=1,883 SF
0.043 ACRES

ISOLATED
WETLAND 3A
AREA=2,415 SF
0.055 ACRES

WETLAND 5/1
STREAM 6
LENGTH 787 LF
AREA=25,467 SF
0.588 ACRES

PROXIMATE RUN 3/1
WETLAND 6
AREA=25,467 SF
0.588 ACRES

ISOLATED
WETLAND 9
AREA=1,720 SF
0.039 ACRES

WETLAND 10
AREA=1,284 SF
0.029 ACRES

WETLAND 3/2
AREA=2,091 SF
0.048 ACRES

WETLAND 7
AREA=2,534 SF
0.059 ACRES

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LEGEND

- STREAM
- LIMITS OF ADJACENT
WETLANDS (TYPE - 1/2 ACRES)
- PROPERTY LINE (TYPE - 1/2 ACRES)
- WETLAND
- WETLAND FLOOD
- CRZ
- W-1

HEAVY FLOOD

DESIGNED AREA

WETLAND

WETLAND

WETLAND

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WETLAND

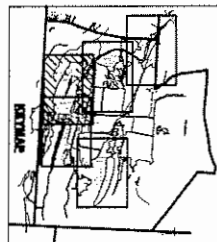
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04/07/11	100	REVISED DESIGN	J. MALE	J. MALE

WATERS OF THE U.S. DELINEATION MAP

SOUTHERN AREA OF SITE

THE RIGPA CENTER FOR DESIGN AND CONSTRUCTION, INC.

C.T. MALE ASSOCIATES, P.C.

W-3

W-4

W-5

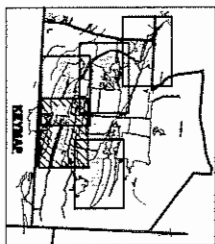
W-6

W-7

MATCHLINE SHEET W-3

LEGEND

	STREAM
	WETLAND
	OPEN WATER
	WETLAND 1A
	WETLAND 1B
	WETLAND 1C
	WETLAND 1D
	WETLAND 1E
	WETLAND 1F
	WETLAND 1G
	WETLAND 1H
	WETLAND 1I
	WETLAND 1J
	WETLAND 1K
	WETLAND 1L
	WETLAND 1M
	WETLAND 1N
	WETLAND 1O
	WETLAND 1P
	WETLAND 1Q
	WETLAND 1R
	WETLAND 1S
	WETLAND 1T
	WETLAND 1U
	WETLAND 1V
	WETLAND 1W
	WETLAND 1X
	WETLAND 1Y
	WETLAND 1Z



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MATCHLINE SHEET W-5

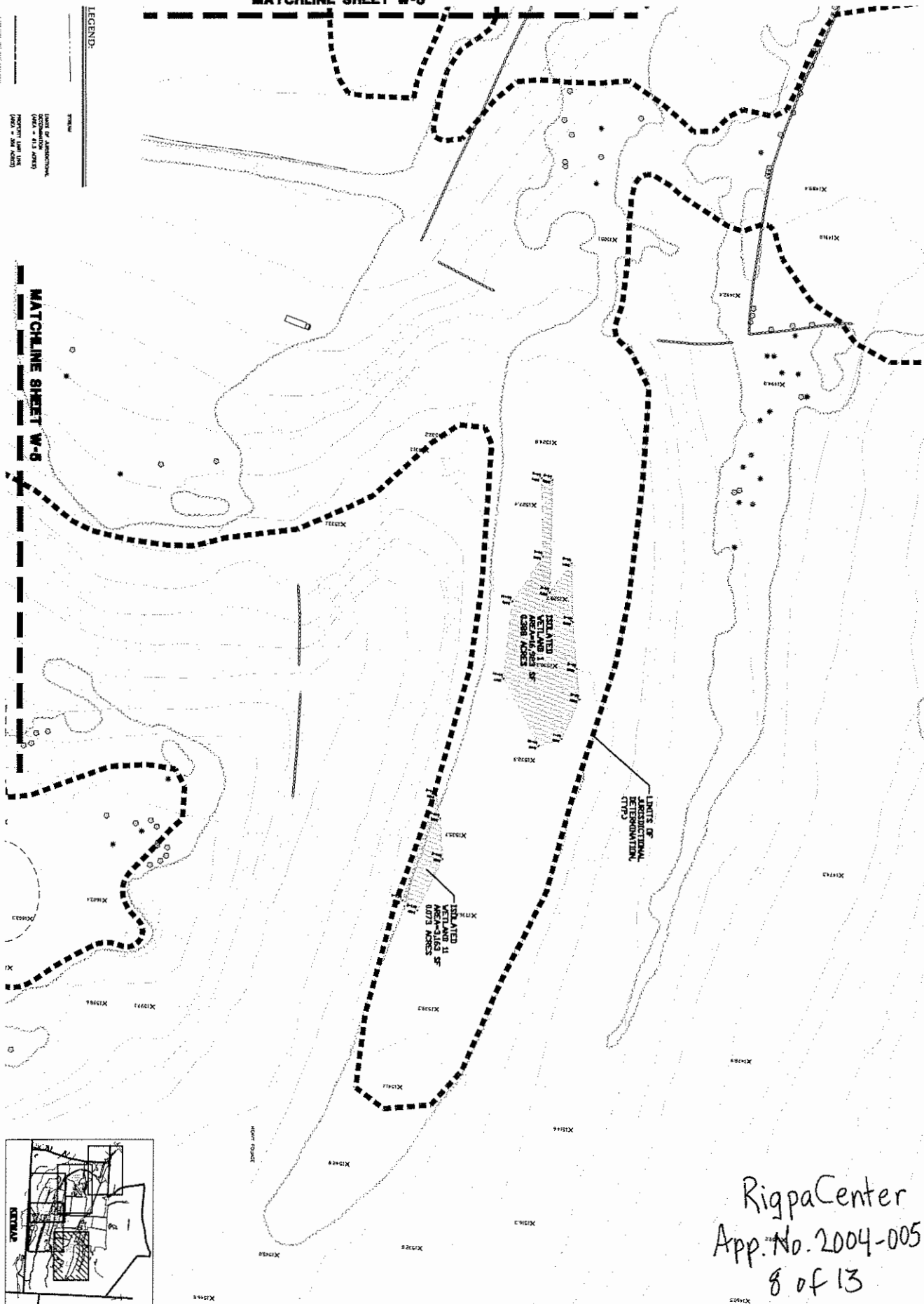
MATCHLINE SHEET W-5

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03/11/04	3	REVISION	W-4	
04/11/04	4	REVISION	W-4	
05/11/04	5	REVISION	W-4	
06/11/04	6	REVISION	W-4	
07/11/04	7	REVISION	W-4	
08/11/04	8	REVISION	W-4	
09/11/04	9	REVISION	W-4	
10/11/04	10	REVISION	W-4	
11/11/04	11	REVISION	W-4	
12/11/04	12	REVISION	W-4	
01/12/04	13	REVISION	W-4	
02/12/04	14	REVISION	W-4	
03/12/04	15	REVISION	W-4	
04/12/04	16	REVISION	W-4	
05/12/04	17	REVISION	W-4	
06/12/04	18	REVISION	W-4	
07/12/04	19	REVISION	W-4	
08/12/04	20	REVISION	W-4	
09/12/04	21	REVISION	W-4	
10/12/04	22	REVISION	W-4	
11/12/04	23	REVISION	W-4	
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03/02/06	39	REVISION	W-4	
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12/06/10	96	REVISION	W-4	
01/07/11	97	REVISION	W-4	
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04/07/11	100	REVISION	W-4	

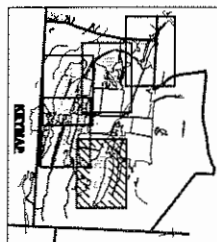
WATERS OF THE U.S. DELINEATION MAP
NORTHEASTERN AREA OF SITE

THE BUREAU OF LAND MANAGEMENT
C.I. MALE ASSOCIATES, P.C.

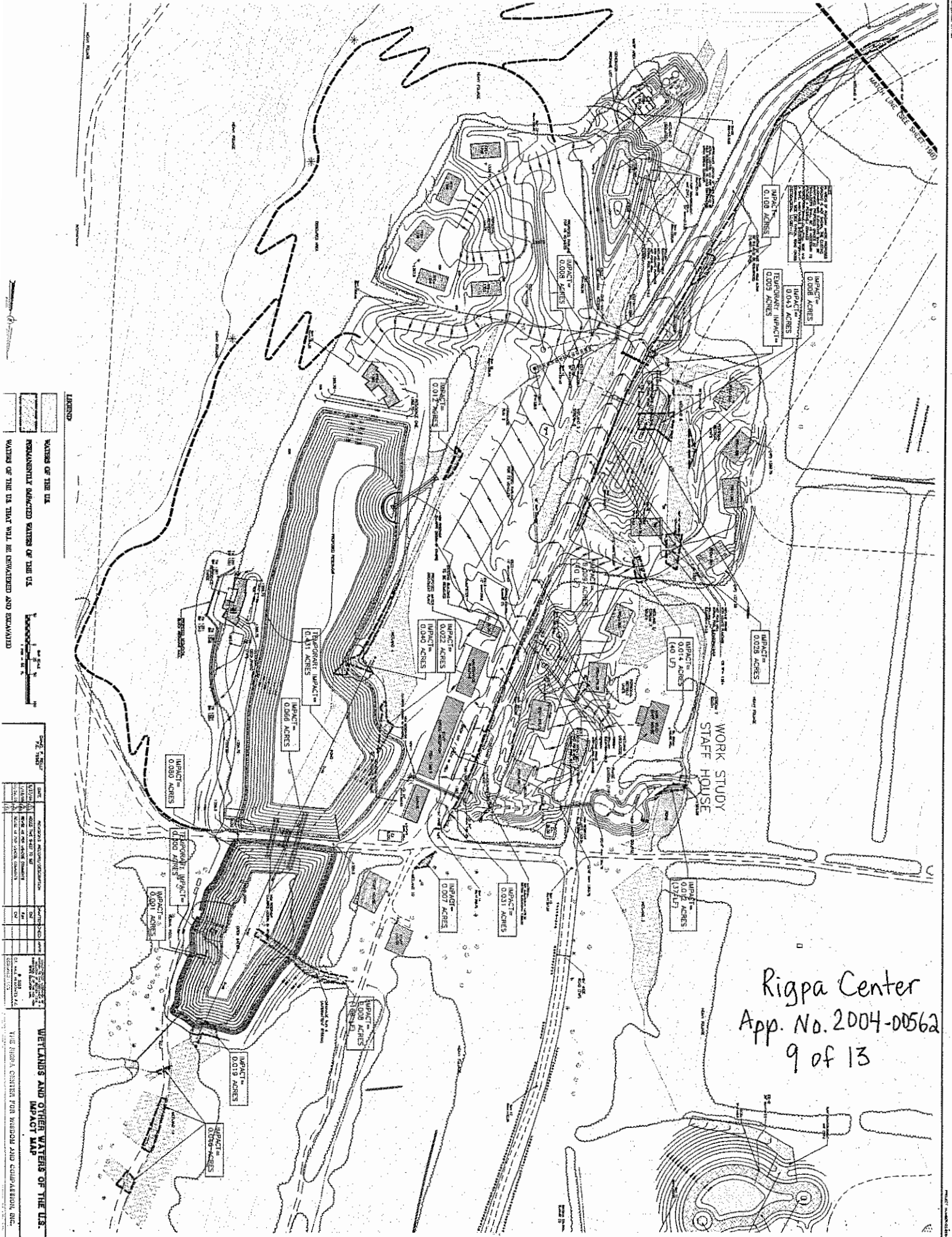
W-4
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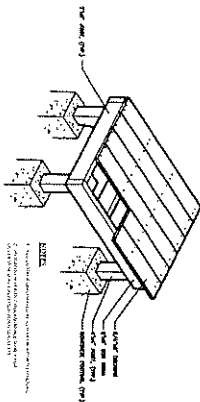


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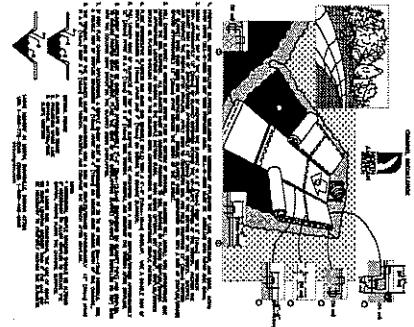




5 MITIGATION PLATFORM DETAIL

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

6 EROSION CONTROL, BANKET INSTALLATION DETAIL



NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

BOUNDARY LINE

7 INTERPRETIVE EDUCATIONAL TRAIL SYSTEM



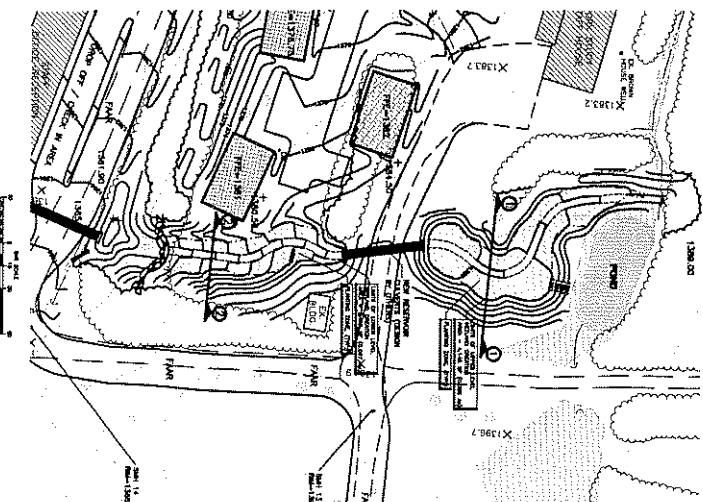
8 SECTION 1 UPPER WETLAND CORRIDOR



9 SECTION 2 LOWER WETLAND CORRIDOR



10 WETLAND CREATION AREA



DATE	REVISION	DESCRIPTION	BY	CHKD
10/1/03	1	ISSUED FOR PERMIT	WMA	WMA
10/1/03	2	REVISION TO PERMIT	WMA	WMA
10/1/03	3	REVISION TO PERMIT	WMA	WMA
10/1/03	4	REVISION TO PERMIT	WMA	WMA
10/1/03	5	REVISION TO PERMIT	WMA	WMA
10/1/03	6	REVISION TO PERMIT	WMA	WMA
10/1/03	7	REVISION TO PERMIT	WMA	WMA
10/1/03	8	REVISION TO PERMIT	WMA	WMA
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10/1/03	10	REVISION TO PERMIT	WMA	WMA

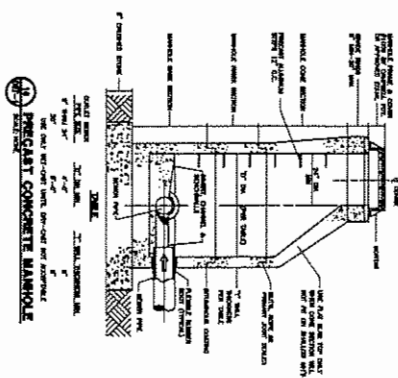
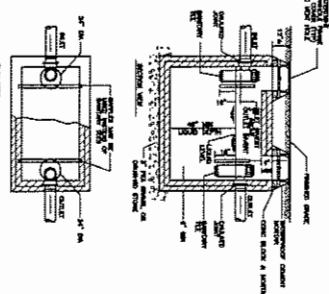
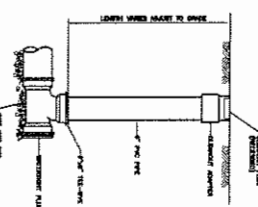
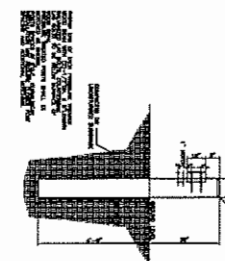
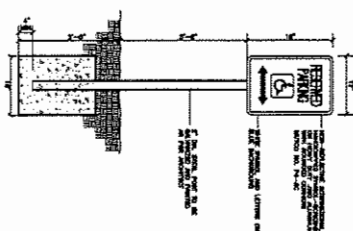
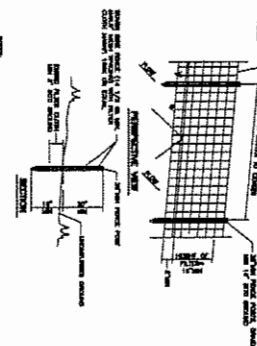
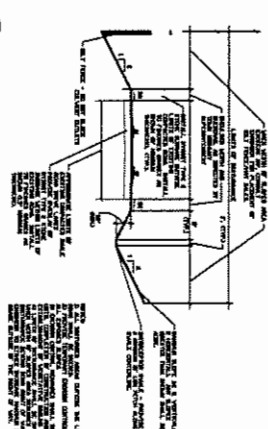
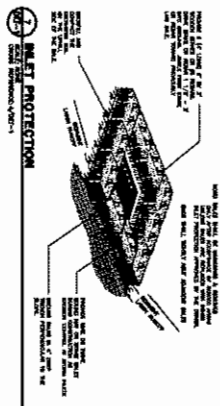
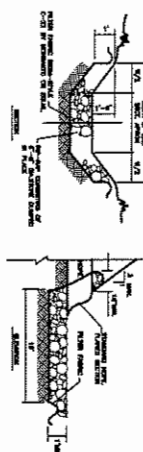
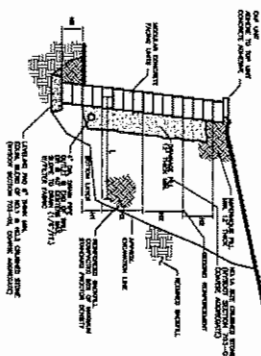
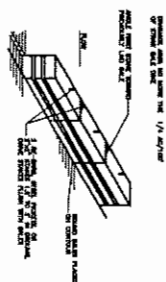
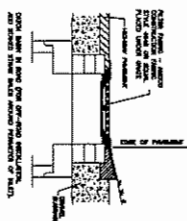
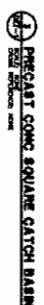
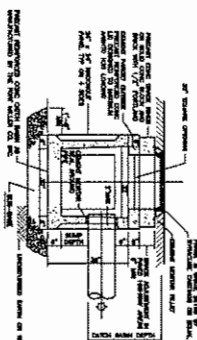
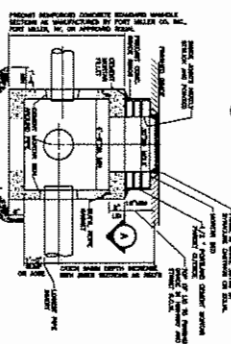
WETLAND MITIGATION MAP

THE RIGGA CENTER FOR WILSON AND COMPASSION, INC.

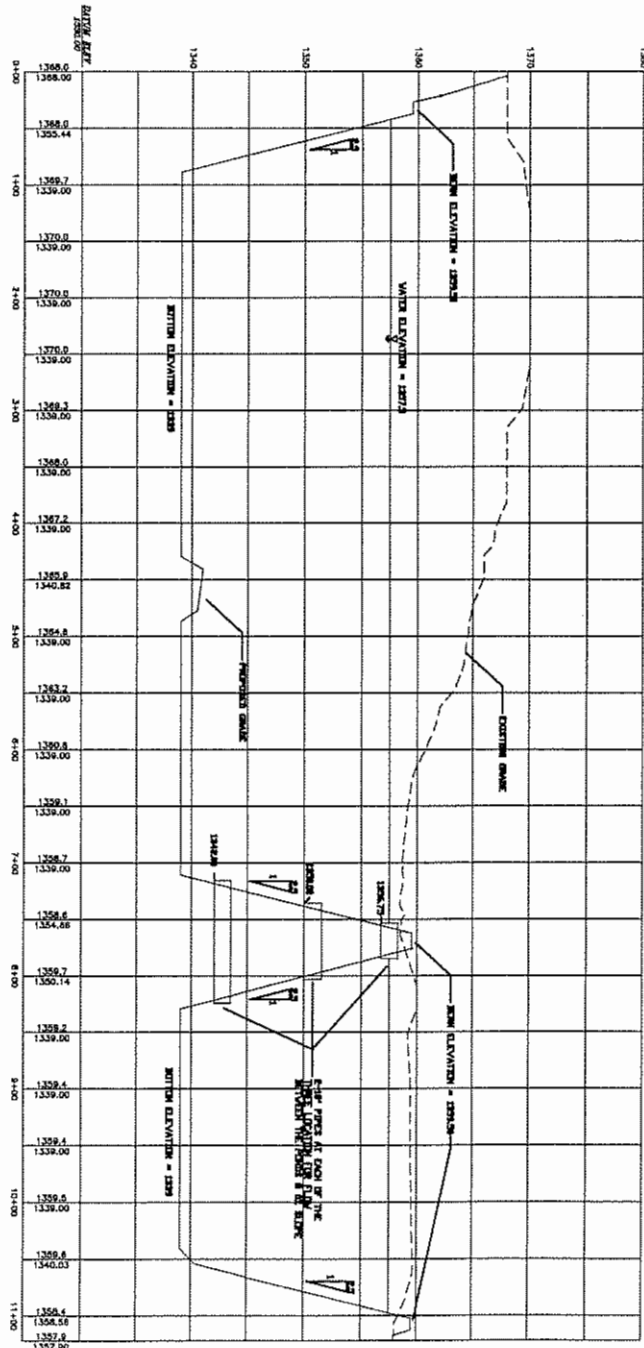
C.T. MALE ASSOCIATES, P.C.

WMA

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SCALE
HORIZONTAL - 1"=50'
VERTICAL - 1"=5'

[illegible]